

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark D. ERION *et al.*

Appln. No.: 10/580,134

Filed: May 30, 2007

For: Novel Phosphorus Acid-Containing
Thyromimetics

Art Unit: 1626

Examiner: Rei-Tsang SHIAO

Confirmation No.: 9214

Atty. Docket: 23032.023/P30883US02

**Terminal Disclaimer Over
U.S. Patent No. 7,514,419**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Metabasis Therapeutics Inc. (hereinafter the "Owner"), of 100 percent (100%) interest in the instant application hereby disclaims, except as provided below or provided by law, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the last day of the full statutory term of commonly owned Prior Patent No. U.S. 7,514,419 (hereinafter the "Prior Patent"). The Owner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and the Prior Patent is commonly owned and agrees that this Terminal Disclaimer shall run with any patent granted on the instant application and shall be binding on the grantee, its successors or assigns.

The Owner does not disclaim any terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term of the Prior Patent, as shortened by any terminal disclaimer, in the event that the Prior Patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise prematurely terminated except as provided by a terminal disclaimer as recited above.

The fee set forth in 37 C.F.R. § 1.20(d) is believed to be \$140.00 for filing the instant terminal disclaimer as a large entity. The Commissioner is hereby requested to charge the \$140.00 fee to Arnold & Porter LLP Deposit Account Number 50-2387, referencing docket no. 23032.023.

Respectfully submitted,

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Date: June 4, 2010

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